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Attorney Docket No.: 02-107410US  
Client Reference No.: 0191.210US

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **NUCLEOTIDE INCORPORATING ENZYMES** the specification of which is attached hereto or X was filed on July 31, 2001 as Application No. 09/920,452, and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:


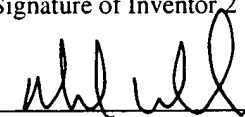
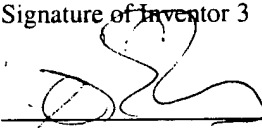
Application No.	Filing Date
60/222,056	July 31, 2000
60/244,764	October 31, 2000

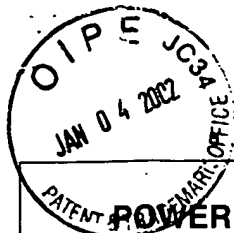
I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Full Name: <b>Sun Ai Raillard</b>		
Residence & Citizenship:	City: <b>Mountain View</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Switzerland</b>
Post Office Address:	Post Office Address: <b>964 Trophy Drive, Mountain View, CA 94043</b>		
Full Name of Inventor 2:	Full Name: <b>Mark Welch</b>		
Residence & Citizenship:	City: <b>Fremont</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>25 Montalban Drive, Fremont, CA 94536</b>		
Full Name of Inventor 3:	Full Name: <b>Jon Ness</b>		
Residence & Citizenship:	City: <b>Sunnyvale</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>1220 N. Fair Oaks Ave #2115, Sunnyvale, CA 94089</b>		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  <b>Sun Ai Raillard</b>	Signature of Inventor 2  <b>Mark Welch</b>	Signature of Inventor 3  <b>Jon Ness</b>
Date <b>10/15/01</b>	Date <b>10/18/01</b>	Date <b>10/5/01</b>



**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT, NOT  
ACCOMPANYING APPLICATION**

Application Number	09/920,452
Filing Date	July 31, 2001
First Named Inventor	Sun Ai Raillard
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	02-107410US

I hereby appoint:

☒ Practitioners at Customer Number

**22798**

Type Customer Number Here

AND

☒ Practitioner(s) named below:



Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Christopher M. Holman	40,021
Margaret A. Powers	39,804

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

Firm or Individual Name					
Address					
Address					
City		State		Zip	
Country					
Telephone		Fax			

I am the

☐ Applicant.

☒ Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

SIGNATURE of Applicant or Assignee of Record

Name	Michael S. Raillard		
Signature	x [Signature]		
Date	10/18/01		

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: October 26, 2001

Typed or printed name	Alexandra Allison		
Signature	Alexandra Allison	Date	October 26, 2001



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant: Sun Ai Raillard, et al.

Application No.: 09/920,452

Filed: July 31, 2001

Entitled: NUCLEOTIDE INCORPORATING ENZYMES

Maxygen, Inc.

, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

10/12/01  
Date

Signature

\_\_\_\_\_  
Typed or printed name

**Michael S. Rabson**  
**General Counsel**  
**And Senior Vice President**

\_\_\_\_\_  
Title

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment  
Application No.: 09/920,452  
Page 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: 10-15-01

Sun Ai Raillard  
Sun Ai Raillard

SIGNATURE WITNESSED BY:

(1) Date: 10/15/01

Diane Drew  
Signature of Witness 1

Dated: 10/18/01

Mark Welch  
Mark Welch

SIGNATURE WITNESSED BY:

(1) Date: 10/18/01

Diane Drew  
Signature of Witness 1

Dated: 10/9/01

Jon Ness  
Jon Ness

SIGNATURE WITNESSED BY:

(1) Date: 10/9/01

Diane Drew  
Signature of Witness 1